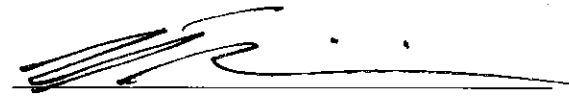


ORIGINAL

Approved:


MICHAEL D. MAIMIN
Assistant United States Attorney

Before: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

----- x

UNITED STATES OF AMERICA : COMPLAINT

-v.- : Violation of: 18 U.S.C. §§ 1951, 2312,
and 2; 21 U.S.C. § 846

ANTHONY MARIA DUARTE, :
Defendant. : COUNTIES OF OFFENSE:
WESTCHESTER, ROCKLAND, BRONX
:
----- x

18 mag 5994

SOUTHERN DISTRICT OF NEW YORK, ss.:

KIERAN KEENAGHAN, being duly sworn, deposes and says that he is a Detective with the New York City Police Department (the "NYPD"), and a Task Force Officer ("TFO") with the Bureau of Alcohol, Tobacco, Firearms and Explosives (the "ATF") and NYPD's Joint Robbery Task Force, and charges as follows:

COUNT ONE
(Conspiracy to Commit Hobbs Act Robbery)

1. From at least in or about April 2016, up to and including at least on or about June 2018, in the Southern District of New York, ANTHONY MARIA DUARTE, the defendant, and others known and unknown, unlawfully and knowingly did combine, conspire, confederate, and agree together and with others known and unknown to commit robbery, as that term is defined in 18 U.S.C. § 1951(b)(1), and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in 18 U.S.C. § 1951(b)(3), to wit, the defendants conspired to commit police impersonation carjacking robberies in the Bronx, New York, and throughout the northeast.

(Title 18, United States Code, Section 1951).

COUNT TWO
(Narcotics Distribution Conspiracy)

2. From at least in or about April 2016, up to and including at least on or about June 2018, in the Southern District of New York and elsewhere, ANTHONY MARIA DUARTE, the defendant, and others known and unknown, intentionally and knowingly did combine, conspire,

confederate and agree, together and with each other, to violate the narcotics laws of the United States.

3. It was a part and an object of the conspiracy that ANTHONY MARIA DUARTE, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1).

4. The controlled substances that ANTHONY MARIA DUARTE, the defendant, conspired to distribute and possess with intent to distribute were: (a) mixtures and substances containing a detectable amount of marijuana, in violation of 21 U.S.C. § 841(b)(1)(D); and (b) one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of 21 U.S.C. § 841(b)(1)(A); and (c) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

(Title 21, United States Code, Section 846).

COUNT THREE
(Transportation of Stolen Vehicles)

5. From at least on or about April 13, 2016, up to and including at least on or about April 15, 2016, ANTHONY MARIA DUARTE, the defendant, unlawfully and knowingly did transport in interstate commerce a motor vehicle, knowing the same to have been stolen, and aided and abetted the same, to wit, DUARTE, together with others known and unknown, stole a Ford Taurus in or around New Haven, Connecticut, by engaging in a false traffic stop while impersonating law enforcement officers and transported that Ford Taurus to the Bronx, New York.

(Title 18, United States Code, Sections 2312 and 2).

The bases for my knowledge and the foregoing charges are, in part, as follows:

6. I am a Detective with the NYPD and a TFO with the ATF and NYPD's Joint Robbery Task Force. I have been personally involved in the investigation of this matter. This Affidavit is based upon my personal participation in the investigation, my examination of reports and records, and my conversations with other law enforcement personnel and other individuals. Because this Affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview: the Police Impersonation Carjacking Robberies

7. The ATF and NYPD, along with other law enforcement partners, have been investigating a series of police impersonation carjacking robberies (the "Robberies") committed in the Bronx, New York, Westchester County, New York, and throughout parts of the northeast. Based on the investigation to date, which is ongoing, the ATF and NYPD have identified multiple Robberies that ANTHONY MARIA DUARTE, the defendant, and his co-conspirators are believed to have committed. The Robberies follow the same pattern: the robbers—who are not, in fact, law

enforcement officers—simulate a legitimate traffic stop by pulling up behind a victim’s car and activating red and blue lights to pull the victim’s car over; after the victim’s car is pulled over, the robbers, wearing police badges, approach the victim’s car and ask the victim to step out of the car; after the victim is out of the car, the robbery crew members steal the victim’s car. As set forth in greater detail below, the robbery crew appears to be targeting specific cars that were transporting narcotics or the cash proceeds from the sale of narcotics.

8. I have spoken with a member of the robbery crew (the “CW”),¹ who confirmed the pattern and methodology of the Robberies, and that ANTHONY MARIA DUARTE, the defendant, is a member of the robbery crew who participated in numerous drug robberies. In particular, the CW explained:

a. From at least 2016 through late 2017, the CW, and other members of the robbery crew, committed multiple police-impersonation robberies of people who were carrying either drugs or drug proceeds in, among other places, New York, Connecticut, and New Jersey.

b. DUARTE was a member of the robbery crew. The robbery crew would use similar tactics in each of the robberies: they would pull over the victim vehicle by using flashing red and blue lights; as they approached the victim vehicle, they would display law enforcement police badges and identify themselves as law enforcement; they would remove any individuals from the victim vehicle; then one of the robbers would drive the victim vehicle away from the scene, while another robber would drive the car used to pull over the victim vehicle away from the scene. Members of the robbery crew would then take the victim vehicle to another location, where they would search the victim vehicle for drugs or drug proceeds, which were often located in hidden compartments—typically known as “traps”—in the victim vehicles.

c. The CW and DUARTE were both involved, together, in a series of drug robberies during that time period. During the course of the robberies involving both the CW and DUARTE, the CW, DUARTE, and other members of the robbery crew stole, among other things, more than five kilograms of cocaine, more than one kilogram of heroin, and more than \$200,000 in cash.

9. Based on my review of police reports and records, my conversations with the victims, my conversations with the CW, my review of cellphone records, and my review of surveillance video and other documents, I have learned, among other things, the following:

¹ The CW has been charged with federal crimes, including conspiracy to commit drug robberies, in violation of 18 U.S.C. § 1951. The CW has been cooperating with the Government, providing historical information, in the hopes of receiving leniency at sentencing. The information provided by the CW has been corroborated by, among other things, cellular site location information and searches of electronically stored information.

The April 13, 2016 Robbery in New Haven, Connecticut

10. On or about April 13, 2016, at approximately 4:55 PM, near Exit 8 off of Interstate Highway 91 Northbound, in New Haven, Connecticut, a driver ("Victim-1"), driving a Volvo station wagon (the "Volvo") with two passengers (the "Volvo Passengers") was pulled over by a car Victim-1 believed to be an unmarked police vehicle. Specifically, Victim-1 stated, in substance and in part, that Victim-1 and the Volvo Passengers were driving from the Bronx, New York, to Lawrence, Massachusetts, when they were pulled over by a vehicle Victim-1 believed to be a Ford Taurus (the "Ford Taurus") using red and blue flashing lights that were activated from the dashboard. Following the traffic stop, Victim-1 and the Volvo Passengers recalled that three to four Hispanic men approached the Volvo. Victim-1, as well as the Volvo Passengers, reported that all of the Hispanic males were wearing plain clothes and identified themselves as Agents with the Drug Enforcement Administration ("DEA"). Victim-1 and the Volvo Passengers were ordered out of the Volvo and were removed to either the rear of the car or the side of the highway. Some of the men claiming to be DEA Agents then got into the Volvo, while others returned to the Ford Taurus, and the two cars drove away, while Victim-1 and the Volvo Passengers were left on the side of the highway.²

11. On or about April 15, 2016, the Volvo was found at the corner of Commonwealth Avenue and Mansion Street, in the Bronx, New York.

The October 10, 2016 Robbery in Berlin, Connecticut

12. On or about October 10, 2016, at approximately 11:53 p.m., near Interstate 91 Southbound and Route 9 Southbound, in Berlin, Connecticut, a driver ("Victim-2"), driving an Acura sedan (the "Acura") with one passenger (the "Acura Passenger"), was pulled over by a car that appeared to be an unmarked police vehicle. Specifically, Victim-2 stated, in substance and in part, that Victim-2 and the Acura Passenger left Springfield, Massachusetts at approximately 10:30 p.m. on October 10, 2016, and were driving to New Haven, Connecticut, when they were pulled over by a vehicle Victim-2 believed to be a Ford Crown Victoria (the "Ford Crown Victoria") using red and blue flashing lights. Following the traffic stop, Victim-2 and the Acura Passenger recalled that two Hispanic men approached the Acura. Victim-2 said that both Hispanic men approached the Acura, wearing police badges on a chain around their necks, and asked if Victim-2 or the Acura Passenger were involved in a recently reported shooting. Victim-2 and the Passenger were ordered out of the Acura. One of the Hispanic men then got into the Acura, while the other returned to the Ford Crown Victoria, and they drove away, while Victim-2 and the Acura Passenger were left on the side of the highway.

13. On or about October 11, 2016, at approximately 2:00 a.m., the Acura was discovered on the Merritt Parkway in the vicinity of exit 64 in Connecticut.

² Victim-1—nor the other victims described in this Complaint—did not state whether they were carrying drugs or drug proceeds when they were robbed. In my experience, drug couriers rarely admit that they are carrying drugs or drug proceeds when they report robberies.

The May 24, 2018, Robbery in Eastchester, New York

14. On or about May 24, 2018, at approximately 10:35 a.m., on or near the Cross-County Parkway east of New Rochelle Road in Eastchester, New York, a driver (“Victim-3”), driving a 2016 Chevrolet Tahoe (the “Tahoe”) with two passengers (the “Tahoe Passengers”) were pulled over by a car that appeared to be an unmarked police vehicle. Specifically, Victim-3 stated, in substance and part, that Victim-3 and the Tahoe Passengers were driving from Massachusetts to Florida, and were on the Cross County Parkway just east of New Rochelle Road when they were pulled over by what Victim-3 believed to be a dark, possibly black, Dodge Durango with a red stripe and the word “HEMI” written on the front, using red and blue flashing lights. Two or three Hispanic men dressed in what appeared to be police clothing—including vests with the word “police” and what appeared to be badges—ordered Victim-3 and the Tahoe Passengers out of the Tahoe. One of the Hispanic men got into the Tahoe and the others returned to the Durango, and they drove away, while Victim-3 and the Tahoe Passengers were left on the side of the parkway.

15. The Tahoe was found the following day in a parking lot in Pomona, New York. Law enforcement officials reviewed surveillance video from the area and saw that, the day before, the Tahoe drove into the parking lot, accompanied by a Ford Explorer and a Dodge Durango, and the Explorer and Durango drove away after the Tahoe was parked. A nearby license plate reader identified a Ford Explorer and Dodge Durango driving near one another shortly thereafter, and returned a license plate number (the “License Plate Number”) for the Dodge Durango.

The May 25, 2018, Robbery in Westchester or the Bronx

16. On or about May 25, 2018, at approximately 1:00 a.m., on or near I-95 Southbound in either Westchester or the Bronx,³ a driver (“Victim-4”), driving a white Ford work van (the “Van”), was pulled over by a car that appeared to be an unmarked police vehicle. Specifically, Victim-4 stated, in substance and part, that Victim-4 was driving the Van, which Victim-4 had barrowed, from Massachusetts to the Bronx, and was on I-95, when Victim-4 was pulled over by what Victim-4 believed to be a dark Dodge Durango using red and blue flashing lights. Three Hispanic men dressed in what appeared to be police clothing—including vests, and what appeared to be badges, and pistols—ordered Victim-4 out of the Van. Two of the Hispanic men got into the Tahoe and the other returned to the Durango, and they drove away, while Victim-4 was left on the side of the highway.

17. That same day, the Van was found abandoned on the Palisades Parkway in Rockland County, approximately one mile from where the Tahoe was recovered.

The Cell-Site Data

18. As part of the investigation, law enforcement officials obtained court orders requiring cellular companies to provide cellular site, or “cell-site,” data regarding various telephone

³ The victim of this robbery is unfamiliar with the area, and hitchhiked after the robbery and before meeting with law enforcement agents; as a result, the victim is unsure precisely where on I-95 the robbery took place, but it is in either the Bronx or Westchester.

numbers, including a phone number that ANTHONY MARIA DUARTE, the defendant, provided to the NYPD as his contact number when he was arrested on or about October 9, 2016, by the NYPD for Possession of a Forged Instrument in the Third Degree (the “Duarte Cell Number”). I have reviewed the cell-site data for the Duarte Cell Number for the time periods surrounding the April 13, 2016, robbery in New Haven, Connecticut, and the October 10, 2016, robbery in Berlin, Connecticut, and learned the following:

a. With respect to the April 13, 2016, robbery, which took place at approximately 4:55 p.m. near New Haven, Connecticut, the cell-site data shows that, shortly after 2:00 p.m. on April 13, 2016, the telephone using the Duarte Cell Number (the “Duarte Cellphone”) began to travel north from the Bronx, New York, toward New Haven, Connecticut, that is, the route taken by Victim-1 and the Volvo Passengers. Around the time of the robbery, the cell-site data shows that the Duarte Cellphone was at or near Interstate Highway 91 near New Haven, Connecticut, where the robbery took place. The cell-site data shows that, shortly after the robbery, the Duarte Cellphone began to travel southbound towards the Bronx, New York. At approximately 7:03 p.m. on April 13, 2016, the Duarte Cellphone used a cellphone tower located approximately 0.3 miles away from the location where the stolen Volvo was recovered.

b. With respect to the October 10, 2016, robbery, which took place at approximately 11:53 p.m. near Berlin, Connecticut, the cell-site data shows that, at approximately 10:10 p.m.—approximately when Victim-2 explained that Victim-2 left Springfield, Massachusetts, the Duarte Cellphone used cellphone towers in or near Springfield, Massachusetts. The cell-site data further shows that the Duarte Cellphone used cellphone towers near the location of the robbery at approximately the time of the robbery—that is, the Duarte Cellphone followed the route taken by Victim-2—and later used cellphone towers near where the Acura was recovered.

The Dodge Durango

19. On or about June 12, 2018, law enforcement officers pulled over a black Dodge Durango with the License Plate Number in Manhattan, New York. The Dodge Durango had the word “HEMI” written across the hood of the truck in black and red. The driver consented to a search of the Durango. Searching the Durango, law enforcement officers found a plastic bag hidden in the seat upholstery containing, among other things, two Velcro patches that could be attached to clothing with the word “Police” and three fake law enforcement badges with the words “Special Police.” The driver stated that he had previously lent the Durango to his “cousin,” “Anthony.”

Duarte’s Arrest and Confession

20. On or about July 12, 2018, law enforcement officers arrested ANTHONY MARIA DUARTE, the defendant. I have spoken with the law enforcement officers involved in the arrest and interview of DUARTE and learned the following:

a. Law enforcement officers had been looking for a blue BMW with a specific license plate number (the “BMW Plate”) that had previously been registered to DUARTE.⁴ Law enforcement officers found what appeared to be a grey BMW parked on Vernon Avenue in Yonkers, New York, with the BMW Plate. When DUARTE entered the car, law enforcement officers approached and identified themselves, at which point DUARTE surrendered.

b. When the door opened, law enforcement officers could see that the BMW was, in fact, blue, and had had a grey shrink-wrap placed over the car.

c. After law enforcement officers impounded the car, they discovered that the license-plate holders were customized to conceal the actual license plates. In particular, buttons on the key fob DUARTE had on him at the time of his arrest would cause (1) a black sheet to cover the rear license plate; and (2) the front license plate to swivel and slide under the body of the car where it cannot be seen.

21. Law enforcement officers interviewed ANTHONY MARIA DUARTE, videotaping the interview. Before interviewing DUARTE, law enforcement officers read DUARTE his *Miranda* rights in Spanish, and allowed him to read his *Miranda* rights in Spanish. Among other things, DUARTE stated the following:

a. DUARTE stated that he did three jobs with a robbery crew. He described both the May 24, 2018, robbery of the Tahoe, the May 25, 2018, robbery of the Van, and a third robbery in Delaware.

b. With regard to the May 24, 2018, robbery of the Tahoe, DUARTE stated that he saw the Tahoe at a shop in the Bronx known for installing traps in cars, which he understood to be for the purpose of transporting drugs and money. On May 24, 2018, a friend called DUARTE and told DUARTE they needed DUARTE to drive a car; DUARTE knew that his friend and others were planning on stopping and stealing a car with hidden compartments. DUARTE drove in his friend’s car, and four people drove in a dark Dodge Durango to the Hutchinson River Parkway. DUARTE was told to meet the Durango, and did so, where the Tahoe was already stopped. DUARTE got into the Tahoe and drove it to the Palisades Mall in Rockland County. Another man came into the Tahoe and tried, unsuccessfully, to open the hidden compartment. DUARTE then drove to another plaza; along the way, the other man successfully opened the hidden compartment, which contained money and marijuana. DUARTE was paid \$300 and half a pound of marijuana.

c. With regard to the May 25, 2018, robbery of the Van, DUARTE stated that he saw the Van at a shop in the Bronx known for installing traps in cars. On May 25, 2018, DUARTE’s friend called him and told him to go to the Cross County Mall, which DUARTE did. When DUARTE got there, other members of the robbery crew were by the

⁴ A few months earlier, the BMW’s registration was transferred to DUARTE’s mother. DUARTE’s mother told law enforcement officers that, in spite of the registration, DUARTE is the only actual driver of the BMW.

Van. DUARTE drove the Van to the house of a robbery crew member, where another member of the robbery crew opened the trap, which was empty.

d. With regard to the Delaware robbery, DUARTE stated that he was involved in a robbery of a vehicle—with a Texas license plate—that was driving north from Texas. DUARTE stated that the robbery crew stopped the vehicle somewhere in Delaware and got multiple kilos of drugs from the stop. DUARTE stated that he was paid \$5,000 for participating in that robbery.

e. DUARTE explained that, when the Dodge Durango was used in robberies, the robbery crew used portable blue-and-red lights that plugged into the cigarette lighter to simulate a police car.

WHEREFORE, deponent respectfully requests that ANTHONY MARIA DUARTE, the defendant, be imprisoned, or bailed, as the case may be.


KIERAN KEENAGHAN
Detective
New York City Police Department

Sworn to before me this
13th day of July, 2018


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK